

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA M. ELMER

Petitioner

v.

JO ANNE B. BARNHART

Defendant

Civil Action No. 04-2693

ORDER

September , 2005

Upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Plaintiff's Motion for Summary Judgment is Denied.
3. The Defendant's Motion for Summary is Granted.

BY THE COURT:

LOUIS H. POLLAK J.

